



Washington, Thursday, March 7, 1940

The President

ENLARGING THE WASATCH NATIONAL FOREST
UTAH
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS it appears that all lands of the United States within the herein-after-described area, adjacent to the Wasatch National Forest in the State of Utah, are suitable for national-forest purposes, and that it would be in the public interest to add such lands of the United States to the said Wasatch National Forest; and

WHEREAS it further appears that the extension of the boundaries of the Wasatch National Forest to include the said hereinafter-described area would be in the public interest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U.S.C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon recommendation of the Secretaries of Agriculture and of the Interior, do proclaim (1) that the boundaries of the Wasatch National Forest in the State of Utah are hereby extended to include therein the following-described area, and (2) that all lands of the United States within such area are hereby added to and reserved as part of the Wasatch National Forest, and shall hereafter be subject to the laws, rules, and regulations applicable to national forests.

Salt Lake Meridian

T. 4 S., R. 2 E.,
sec. 7, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$
sec. 8, SW $\frac{1}{4}$,
sec. 17, W $\frac{1}{2}$,
sec. 20, W $\frac{1}{2}$,
sec. 29, W $\frac{1}{2}$,
sec. 32, E $\frac{1}{2}$;
T. 5 S., R. 2 E.,
sec. 5, E $\frac{1}{2}$,
sec. 8, NE $\frac{1}{4}$,
sec. 9, all.

sec. 15, SW $\frac{1}{4}$,
sec. 16, E $\frac{1}{2}$, NW $\frac{1}{4}$;
AGGREGATING 3.506.37 acres.

The reservation made by this proclamation shall, as to any of the above-described lands which are at this date legally appropriated under any of the public-land laws or reserved for any public purpose, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this
2d day of March, in the year of our Lord
nineteen hundred and forty, and
[SEAL] of the Independence of the
United States of America the
one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Y of State.

[F. R. Doc. 40-942; Filed, March 6, 1940;
11:48 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

**DESIGNATION OF AREAS UNDER SURPLUS
FOOD STAMP PROGRAM**

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 4,¹ effective 12:01 A. M., E. S. T., December 15, 1939 shall

² 4 F.R. 4725.

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be considered surplus foods on the effective dates of such areas.

The area within the city limits of Hartford, Connecticut, and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation. The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The area within the county limits of Hillsborough County, New Hampshire.

The area within the county limits of Spokane County, Washington.

The area within the county limits of Mecklenburg County, North Carolina.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] PHILIP F. MAGUIRE,
Executive Vice President.

[F. R. Doc. 40-934; Filed, March 6, 1940;
10:57 a. m.]

TITLE 14—CIVIL AVIATION CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 42, Civil Air Regulations]

INSTRUCTOR'S RECOMMENDATION

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 1st day of March 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Section 20.31 of the Civil Air Regulations, adopted by the Authority on November 7, 1939, and made effective May 1, 1940, is amended by adding at the end thereof the following new sentence:

"If an applicant is applying as a graduate of a course of flight instruction approved by the Civil Aeronautics Authority, such application shall be accompanied by a recommendation from the applicant's instructor made upon a form prescribed and furnished by the authority."

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-936; Filed, March 6, 1940;
11:14 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

CORRECTION OF TYPOGRAPHICAL ERRORS IN ALIGNMENT IN TABLE CONTAINED IN REGULATION FOR CANNED VEGETABLES

In the table set forth in § 52.990 (b), published in the FEDERAL REGISTER for Wednesday, February 28, 1940, at page 809 (F.R. Doc. 40-825; filed, February 27, 1940; 12:01 p. m.), the alignment in those columns opposite "Golden sweet corn" in column I and also opposite "Field corn" in column I is erroneous. To correct such errors in alignment and avoid confusion, the said table is republished, as follows:

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
Artichokes	Flower buds of the artichoke plant.	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus	Edible portions of sprouts of the asparagus plant, as follows: Four inches or more of upper end. Four inches or more of peeled upper end. Three and one-quarter to less than four inches of upper end. Less than three and one-quarter inches of upper end. Sprouts cut in pieces. Sprouts from which the tip has been removed, cut in pieces.	Stalks or spears. Peeled stalks or peeled spears. Tips. Points. Cut stalks or cut spears. Bottom cut or cuts—tips removed.
Bean sprouts	Sprouts of the Mung bean.	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Green beans or green stringless beans or stringless green beans.	Pods of the green bean plant.	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Wax beans or stringless wax beans.	Pods of the wax bean plant.	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Shelled beans	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Lima beans or butter beans	Seed shelled from the pods of the lima bean plant.	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Beets	Root of the beet plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Beet greens	Leaves, or leaves and immature root, of the beet plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Broccoli	Heads of the broccoli plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Brussels sprouts	Sprouts of the Brussels sprouts plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Cabbage	Cut pieces of the heads of the cabbage plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Carrots	Root of the carrot plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Cauliflower	Cut pieces of the head of the cauliflower plant.	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Celery	Stalks of the celery plant.	Cut; hearts.
Collards	Leaves of the collard plant.	Whole grain or whole kernel. Cream style or crushed.
White sweet corn or White corn or	Seed cut from ears of white sweet corn. Seed cut and scraped from ears of white sweet corn.	On cob. Whole grain or whole kernel. Cream style or crushed.
White sugar corn	Ears of white sweet corn.	On cob. Whole grain or whole kernel. Cream style or crushed.
Yellow sweet corn or	Seed cut from ears of yellow sweet corn.	On cob. Whole grain or whole kernel. Cream style or crushed.
Yellow corn or	Seed cut and scraped from ears of yellow sweet corn.	Buttons; whole; slices or sliced; pieces and stems.
Yellow sugar corn or	Seed cut and scraped from ears of yellow sweet corn.	Whole; cut.
Golden corn or	Ears of yellow sweet corn.	Whole; cut.
Golden sugar corn or	Seed cut from ears of field corn.	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Golden sweet corn	Seed cut and scraped from ears of field corn.	Whole; halves or halved; pieces.
Field corn	Leaves of the dandelion plant.	Whole; halves or halved; pieces.
Dandelion greens	Leaves of the kale plant.	Whole; halves or halved; pieces.
Kale	Cap and stem of the mushroom.	Whole; halves or halved; pieces.
Mushrooms	Leaves of the mustard plant.	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Mustard greens	Pods of the okra plant.	
Okra	Bulb of the onion plant.	
Onions	Root of the parsnip plant.	
Parsnips	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Black-eye peas or black-eyed peas	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Field peas	Green pods of the sweet pepper plant.	
Green sweetpeppers	Red ripe pods of the sweet pepper plant.	
Red sweet peppers	Red-ripe pods of the pimento, or pimiento, pepper plant.	
Pimientos or pimentos	Potatoes	
	Tuber of the potato plant.	

I Name or synonym of canned vegetable	II Source	III Optional forms of vegetable ingredient
Sweet potatoes. Rutabagas.	Tuber of the sweetpotato plant. Root of the rutabaga plant.	Whole; pieces; mashed. Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Salsify.	Root of the salsify plant.	
Spinach.	Leaves of the spinach plant.	
Swiss chard.	Leaves of the Swiss chard plant.	
Truffles.	Fruit of the truffle.	
Turnip greens.	Leaves of the turnip plant.	
Turnips.	Root of the turnip plant.	Whole; quarters or quartered; slices or sliced; dice or diced; cut.

Notices**DEPARTMENT OF THE INTERIOR.****Bureau of Reclamation.**

WILLOW CREEK RESERVOIR SITE, LYMAN
PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 7, 1940.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that Departmental Order of October 31, 1936, establishing Grazing District No. 4, Wyoming, under and pursuant to the provisions of the act of June 28, 1934 (49 Stat. 1269), be revoked in so far as the following described lands are affected, and the said lands be withdrawn from public entry under the first form withdrawal, as provided in section 3, act of June 17, 1902 (32 Stat. 388).

LYMAN PROJECT, WYOMING
WILLOW CREEK RESERVOIR SITE,

Sixth Principal Meridian, Wyoming

Township 13 North, Range 116 West,
Sec. 14, all;
Sec. 15, N½, SW¼, N½SE¼, and SW¼
SE¼;
Sec. 17, E½, E½W½, lots 1, 2, 3, and 4;
Sec. 20, all;
Sec. 21, N½NE¼, SW¼NE¼, and NW¼;
Sec. 22, E½, SE¼NW¼, and E½SW¼;
Sec. 23, N½ and S½S½;
Sec. 25, S½;
Sec. 26, N½NW¼ and SE¼;
Sec. 27, E½NW¼ and S½;
Sec. 28, SW¼;
Sec. 29, E½, E½NW¼, lots 1, 2, and 4;
Sec. 32, NE¼NE¼;
Sec. 33, N½, N½SW¼, and SE¼;
Sec. 34, N½, SW¼SW¼, and NW¼SE¼.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: February 15, 1940.

R. H. RUTLEDGE,
Director, Grazing Service.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

A. J. WIRTZ,
Under Secretary.

FEBRUARY 23, 1940.

[F. R. Doc. 40-932; Filed, March 6, 1940;
9:33 a. m.]

HUNTLEY IRRIGATION PROJECT, MONTANA**ADVERTISEMENT OF LANDS FOR LEASE**

MARCH 1, 1940.

1. Sealed proposals will be received at the Office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock p. m., March 25, 1940, for the lease for grazing and/or agricultural purposes of all or any tract or tracts of the land shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1940, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept.

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation." No bids of less than 5 cents per acre will be accepted for grazing lands, or less than 25 cents per acre for agricultural purposes.

4. If water for irrigation is desired, for any of these lands, it may be secured, if available, by arrangement with the Huntley Project Irrigation District, at the prevailing charge for other project lands.

5. Those desiring to bid should first consult a copy of lease form 7-523-A-G, on file at the office of the Manager of the Huntley Project Irrigation District, at Ballantine, Montana, which lease must be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States and other details not herein enumerated, to which the lessee must agree.

6. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Huntley project, Mont., to be opened at 2 p. m., Eastern Standard Time, March 25, 1940.

H. W. BASHORE,
Assistant Commissioner.

HUNTLEY PROJECT, MONTANA**LIST OF LANDS AVAILABLE FOR LEASE**

Description:	Area in acres
T. 2 N., R. 28 E., M. P. M.: Sec. 30, Lot 3	45.15
T. 2 N., R. 29 E., M. P. M.: Sec. 4, S½SW¼SW¼ S½SW¼SE¼	20.00 20.00
T. 3 N., R. 29 E., M. P. M.: Sec. 21, SE½SW¼ Sec. 22, SW¼SW¼ Sec. 25, NW¼NE¼ SW¼NE¼	40.00 40.00 40.00 40.00
Sec. 27, SW¼NE¼ NE¼NW¼ NE¼SW¼ SE½NW¼ NE¼NE¼ SE½NE¼	40.00 40.00 40.00 40.00 40.00 40.00
Sec. 30, NE½NE¼	40.00
T. 2 N., R. 30 E., M. P. M.: Sec. 4, SW¼, Lot 10 SE½, Lot 11 SW¼SE¼ SE½SW¼	10.00 10.00 40.00 40.00
Sec. 10, NW¼NE¼ E½NE¼NW¼ SE½SW¼ E½SW¼SW¼	40.00 20.00 40.00 20.00
Sec. 15, NE½NE¼ NW¼NE¼ SW¼NE¼ SE½NE¼ E½W½NW¼SE¼ NE¼SE¼ E½NW¼SE¼ SE½SE¼ NW¼NW¼ NE¼NW¼	40.00 40.00 40.00 40.00 10.00 40.00 20.00 40.00 40.00 40.00 40.00 40.00
Sec. 22, SW¼NW¼ SE½NW¼	40.00 40.00
T. 3 N., R. 30 E., M. P. M.: Sec. 26, SW¼NE¼NW¼SE¼ SE½NW¼SE¼ NE¼SW¼SE¼ S½SW¼SE¼ E½E½SW¼	2.50 10.00 10.00 20.00 40.00
Sec. 28, NW¼SW¼ Sec. 29, SW¼SE¼ NW¼SE¼ NE¼SE¼ NE¼SW¼ SE½SW¼ SW¼NW¼ NW¼SW¼	40.00 40.00 40.00 40.00 40.00 40.00 40.00 40.00
Sec. 30, SE½SE¼ Sec. 35, Lot 2 Lot 5 SE½NE¼ SW¼NE¼	40.00 44.23 21.92 40.00 40.00

[F. R. Doc. 40-933; Filed, March 6, 1940;
9:35 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 135,
OREGON, AND MODIFICATION OF THE ORDER
WITHDRAWING THE LAND FOR RECLAMATION PURPOSES

FEBRUARY 26, 1940.

It is hereby ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the following-described tract of public land in Oregon within the Umatilla Reclamation Project be, and it is hereby, withdrawn for use by the Civil Aeronautics Authority in the maintenance of air navigation facilities:

Willamette Meridian

T. 3 N., R. 24 E., sec. 26, NE¼NE¼SE¼, 10 acres.

The land is withdrawn under the provisions of the act of June 17, 1902, 32 Stat.

FEDERAL REGISTER, Thursday, March 7, 1940

388, and is primarily under the jurisdiction of the Department of the Interior, and the withdrawal made hereby is subject to the right of the Bureau of Reclamation of that Department, its successors or assigns, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation structures without reimbursement therefor; and provided further that the Bureau of Reclamation shall not be liable for any damage to improvements or operations resulting from the construction, operation and maintenance of any of the works authorized by the reclamation act.

And departmental order of August 16, 1906, withdrawing the land for reclamation purposes is hereby modified accordingly.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-931; Filed, March 6, 1940;
9:33 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 318]

IN THE MATTER OF THE APPLICATION OF
PAN AMERICAN AIRWAYS, INC., FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY UNDER SECTION 401 OF
THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the application of Pan American Airways, Inc., for a certificate of public convenience and necessity authorizing air transportation between Los Angeles, Calif., and Mexico City, Mexico, now assigned for public hearing on March 11, 1940, is hereby postponed to March 21, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street, Washington, D. C., before Examiner Frank P. McIntyre.

Dated Washington, D. C., March 5, 1940.

[SEAL] FRANK P. MCINTYRE,
Examiner.

[F. R. Doc. 40-935; Filed, March 6, 1940;
11:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

NOTICE OF HEARING WITH RESPECT TO THE
HOLDING-COMPANY SYSTEM OF CITIES
SERVICE POWER & LIGHT COMPANY

Notice is hereby given that the Securities and Exchange Commission adopted an order on the 4th day of March, 1940 directing that a hearing pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 be held with respect of Cities Service Power &

Light Company and each of its subsidiary companies hereinafter called the respondents at the offices of the said Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., at 10 A. M. on the twentieth day after the date herein fixed for the filing of answers (or such later date as the Commission may prior thereto fix by supplementary notice.)

Said order recites that it appears to the Commission that the holding company system of the said Cities Service Power & Light Company is not confined in its operations to those of a single integrated public-utility system within the meaning of the said Act, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system.

Said order provides that each respondent shall file its answer to the allegations of said order on or before the 12th day of April, 1940, and thereby shall admit, deny, or otherwise explain the position of such respondent with respect to the allegations set forth in Parts I to V of said notice and order for hearing, and also provides that such answer may include a statement of the claim of the respondents or any of them as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of each of the respondents as may be a registered holding company to a single integrated public-utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (b) the extent to which any of said respondents which is a registered holding company should be permitted to continue to control one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of Section 11 (b) (1) of the Act; and (c) the extent to which any of said respondents should be permitted to retain an interest in any business (other than the business of a public-utility company as such) as provided by Section 11 (b) (1) of the Act.

The answer of any respondent which is a registered holding company may, if such respondent so desires, state that such respondent proposes and is prepared to take such action as will cause it to cease to be a holding company within the meaning of the Act, together with a description of such action and the time within which it proposes to take such action; and

Said order further provides that the purpose of such hearing is to determine (1) such issues, if any, as may arise from the allegations of Parts I to V, inclusive, of said order, and the answer or answers filed thereto by the respondents or any of them as hereinbefore provided, and by any other party or parties hereto as hereinafter provided; (2) what action, if any,

is necessary and shall be required to be taken by the respondents in said proceeding, or any of them, to limit the operations of the holding company systems of each of the respondents as may be a registered holding company to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (3) pursuant to such application as may be made in said proceedings the extent to which each of the respondents as may be a registered holding company shall be permitted to continue to control one or more additional integrated public-utility systems as provided by Section 11 (b) (1) of the Act; and (4) pursuant to such application as may be made in said proceedings the extent to which any of the respondents will be permitted to retain any interest in any business (other than that of a public-utility company as such) as provided by Section 11 (b) (1) of the Act; and

Reference is made to said notice and order for hearing for a more complete statement of the various matters to be determined at said hearing, and a copy of said notice and order for hearing is on file and open to public inspection at the offices of said Securities and Exchange Commission in Washington, D. C., and in each of the Regional Offices of said Securities and Exchange Commission, and a copy of said notice and order for hearing may be had upon written request to the Secretary of said Commission, and said notice and order for hearing is hereby made a part of this notice as if more fully herein set forth at length.¹

Notice of the aforesaid hearing is particularly given to each of the aforesaid respondents, Cities Service Power & Light Company, The Alliance Public Service Company, Benton County Utilities Corporation, Citizens Gas Fuel Company, City Light & Traction Company, The Danbury & Bethel Gas & Electric Light Company, The Doniphan County Light & Power Company, Durham Public Service Company, East Tennessee Light & Power Company, Tennessee Eastern Electric Company, Tennessee Realty Company, The Empire District Electric Company, Federal Light & Traction Company, Albuquerque Gas & Electric Company, Central Arkansas Public Service Corporation, Citizens Electric Company, Consumers Gas Company, Hot Springs Street Railway Company, Hot Springs Water Company, Deming Ice & Electric Company, Federal Advisers, Inc., Grays Harbor Railway and Light Company, North River Transportation Company, Twin City Transit Company, The Las Vegas Light & Power Company, New Brunswick Power Company, New Mexico Power Company, Olympic Public Service Company, Rawlins Electric Company, Sheridan County Electric Company, Stonewall Electric Company, Springfield Gas & Electric Company, The Trinidad

¹ Filed as a part of the original document.

Electric Transmission, Railway & Gas Company, The Tucson Gas, Electric Light & Power Co., Tucson Rapid Transit Company, Willapa Electric Company, The Knoxville Gas Company, Lawrence County Water, Light & Cold Storage Company, The Ohio Public Service Company, The Interurban Station Company, Public Service Company of Colorado, Arvada Electric Company, Cheyenne Light, Fuel & Power Company, Colorado Interstate Gas Company, Colorado-Wyoming Gas Company, East Boulder Ditch Company, The Hillcrest Ditch and Reservoir Company, The United Hydro Electric Company, Green & Clear Lakes Company, St. Joseph Railway, Light, Heat & Power Company, Spokane Gas & Fuel Company, The Toledo & Indiana Railroad Company, Toledo Light & Power Company, Community Traction Company, The Maumee Valley Transportation Company, The Lake Shore Coach Company, Lake Shore Coach Lines, Inc., Lorain Transit Lines, Inc., The Toledo Edison Company, Electric Advisers, Inc., The Electric Land Company, Federal Realty Company, The Eastern Colorado Power and Irrigation Company, and to all other persons, including the security holders and consumers of the said respondents, all States, municipalities, and political subdivisions of States within which are located any of the utility assets owned or operated by any of said respondents or under the laws of which any of the respondents are incorporated, all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of the respondents or over any of the businesses, affairs or operations of any of them.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the 12th day of April, 1940, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission, and may, together with such request or application, file a proposed answer in form and content as hereinbefore provided, and which answer shall be deemed effectively filed upon the entry of an order by the Commission granting such request or application.

By order of the Securities and Exchange Commission this 4th day of March, 1940.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-941; Filed, March 6, 1940;
11:27 a. m.]

NOTICE OF HEARING WITH RESPECT TO THE
HOLDING-COMPANY SYSTEM OF THE
UNITED GAS IMPROVEMENT COMPANY

Notice is hereby given that the Securities and Exchange Commission adopted

an order on the 4th day of March, 1940 directing that a hearing pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 be held with respect of The United Gas Improvement Company and each of its subsidiary companies hereinafter called the respondents at the offices of the said Securities and Exchange Commission, 1778 Pennsylvania Avenue NW, Washington, D. C., at 10 A. M. on the twentieth day after the date herein fixed for the filing of answers (or such later date as the Commission may prior thereto fix by supplementary notice).

Said order recites that it appears to the Commission that the holding company system of the said The United Gas Improvement Company is not confined in its operations to those of a single integrated public-utility system within the meaning of the said Act, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system.

Said order provides that each respondent shall file its answer to the allegations of said order on or before the 12th day of April, 1940, and thereby shall admit, deny, or otherwise explain the position of such respondent with respect to the allegations set forth in Parts I to VII of said notice and order for hearing, and also provides that such answer may include a statement of the claim of the respondents or any of them as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of each of the respondents as may be a registered holding company to a single integrated public-utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system;

(b) the extent to which any of said respondents which is a registered holding company should be permitted to continue to control one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of Section 11 (b) (1) of the Act; and (c) the extent to which any of said respondents should be permitted to retain an interest in any business (other than the business of a public-utility company as such) as provided by Section 11 (b) (1) of the Act. The answer of any respondent which is a registered holding company may, if such respondent so desires, state that such respondent proposes and is prepared to take such action as will cause it to cease to be a holding company within the meaning of the Act, together with a description of such action and the time within which it proposes to take such action; and

Said order further provides that the purpose of such hearing is to determine (1) such issues, if any, as may arise from

the allegations of Parts I to VII, inclusive, of said order, and the answer or answers filed thereto by the respondents or any of them as hereinbefore provided, and by any other party or parties hereto as hereinafter provided; (2) what action, if any, is necessary and shall be required to be taken by the respondents in said proceeding, or any of them, to limit the operations of the holding company systems of each of the respondents as may be a registered holding company to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (3) pursuant to such application as may be made in said proceedings the extent to which each of the respondents as may be a registered holding company shall be permitted to continue to control one or more additional integrated public-utility systems as provided by Section 11 (b) (1) of the Act; and (4) pursuant to such application as may be made in said proceedings the extent to which any of the respondents will be permitted to retain any interest in any business (other than that of a public-utility company as such) as provided by Section 11 (b) (1) of the Act; and

Reference as made to said notice and order for hearing for a more complete statement of the various matters to be determined at said hearing, and a copy of said notice and order for hearing is on file and open to public inspection at the offices of said Securities and Exchange Commission in Washington, D. C., and in each of the Regional Offices of said Securities and Exchange Commission, and a copy of said notice and order for hearing may be had upon written request to the Secretary of said Commission, and said notice and order for hearing is hereby made a part of this notice as if more fully herein set forth at length.¹

Notice of the aforesaid hearing is particularly given to each of the aforesaid respondents, The United Gas Improvement Company, Commonwealth Utilities Corporation, Philadelphia Electric Power Company, Susquehanna Utilities Company, Gary Electric and Gas Company, Midland United Company, Hugh M. Morris, surviving Trustee of the Estate of Midland United Company, Midland Utilities Company, Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, Allentown-Bethlehem Gas Company, Chester County Light and Power Company, The Arizona Power Corporation, Concord Gas Company, New Haven Gas Light Company, The Connecticut Light and Power Company, Connecticut Railway and Lighting Company, Consumers Gas Company, Delaware Power and Light Company, Erie County Electric Company, The Harrisburg Gas Company, Lebanon Valley Gas Company, Luzerne County

¹ Filed as a part of the original document.

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Gas and Electric Corporation, Nashville Gas and Heating Company, Philadelphia Electric Company, Deepwater Light and Power Company, Deepwater Operating Company, Philadelphia Electric Power Company, The Susquehanna Power Company, Philadelphia Hydro-Electric Company, The Susquehanna Electric Company, Conowingo Power Company, Southern Pennsylvania Power Company, The Philadelphia Gas Works Company, Northern Indiana Power Company, Public Service Company of Indiana, Indiana Hydro-Electric Power Company, Gary Heat, Light and Water Company, Hobart Light and Water Company, Indiana Service Corporation, Northern Indiana Public Service Company, Berrien Gas and Electric Company, Terre Haute & Western Railway Company, Terre Haute Electric Company, Inc., Traction Light & Power Company, Union City Electric Company, West Indiana Utilities Company, Brazil Electric Company, Southern Pennsylvania Bus Company, Arizona Ice and Cold Storage Company, Crystal Ice Company, Crystal Ice & Cold Storage Company, Galveston Ice & Cold Storage Company, Merchants Ice & Cold Storage Company, National Ice & Service Company, New State Ice Company, St. Louis County Water Company, Springfield Ice and Refrigerating Company, The Bristol Traction Company, The Rocky River Realty Company, The Shelton Canal Company, The Windsor Locks Canal Company, Delaware Electric Power Company, Delaware Bus Company, Central Heating Company, South Penns Grove Realty Company, Electric Realty Corporation, Philadelphia Steam Company, Wayne Steam Heat Company, Uglite Sales Corporation, The Utilities Realty Company, Welsbach Company, Camden County Land Company, Connecticut Gas & Coke Securities Company, Central Indiana Power Company, South Construction Company, Inc., Terminal Realty Corporation, Indiana Industrial Land Company, Indiana Railroad, Indiana Motor Transit Company, Interstate Public Service Realty Company, Killbuck Milling Company, Chicago South Shore and South Bend Railroad (Indiana), Chicago South Shore and South Bend Railroad (Michigan), Michigan City Terminal, Incorporated, Indiana & Kensington Railroad, Shore Line Shops, Incorporated, Utilities Building, Incorporated, M. U. Securities Corporation, Shirley Realty Company, Traction Land Company, Wabash Hydro-Electric Company, Michigan City Terminal, Midland Subsidiary Corporation, Midland Stock Transfer Company, Subsidiary Service Corporation, and to all other persons, including the security holders and consumers of the said respondents, all States, municipalities, and political subdivisions of States within which are located any of the utility assets owned or operated by any of said respondents or under the laws of which any of the respondents are incorporated, all State Commissions, State securities commissions and all agencies, authorities or

instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of the respondents or over any of the businesses, affairs or operations of any of them.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the 12th day of April, 1940, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission, and may, together with such request or application, file a proposed answer in form and content as hereinbefore provided, and which answer shall be deemed effectively filed upon the entry of an order by the Commission granting such request or application.

By order of the Securities and Exchange Commission this 4th day of March 1940.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-940; Filed, March 6, 1940;
11:26 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th of March, A. D. 1940.

[File No. 44-39]

IN THE MATTER OF ASSOCIATED GENERAL UTILITIES COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO REQUEST OF APPLICANT

Associated General Utilities Company, having filed with the Commission a request for the withdrawal of the following application:

Application pursuant to Rule U-12C-1 (b) under Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of the acquisition and retirement of securities by the issuer.

The Commission consents to the withdrawal of such application, and to that effect

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-937; Filed, March 6, 1940;
11:26 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of March 1940.

[File No. 1-925]

IN THE MATTER OF THE JOLIET AND CHICAGO RAILROAD COMPANY COMMON STOCK, \$100 PAR VALUE (UNSTAMPED)

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$100 Par Value (Unstamped), of The Joliet and Chicago Railroad Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, April 2, 1940, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-938; Filed, March 6, 1940;
11:26 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1940.

[File No. 70-5]

IN THE MATTER OF CENTRAL AND SOUTH WEST UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application and declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 22, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will ad-

vise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 16, 1940.

The matter concerned herewith is in regard to the proposed acquisition by applicant for \$1,300,000 of such number of additional shares of common stock of Southwestern Gas and Electric Com-

pany as the Commission may determine; and the proposed issue by applicant of a note for \$1,300,000 to The Middle West Corporation, in order to obtain the funds necessary to make such acquisition of stock.

In connection with the recent financing of Southwestern Gas and Electric Company, the Commission's order of February 13, 1940 (File No. 43-285), permitted the issue and sale by that company of such number of additional shares of its common stock for \$1,300,000 as might subsequently be determined to either Central and South West Utilities Company or to The Middle West Corporation. Reference is made to the Commission's findings and order in that matter, published in Holding Company Act Release No. 1931, for the circumstances under which such issuance was approved.

The proposed note of applicant to The Middle West Corporation would bear interest at a rate to be determined by the Commission and would mature four years after the date of issuance. The principal would be payable at the sole option of applicant, in whole or in part, at maturity or at any time prior thereto, in cash or in shares of applicant's Prior Lien or Preferred

Stocks or in shares of preferred or common stocks of any company formed by the consolidation of applicant and its associate company American Public Service Company. If applicant and the holder of the note should be unable to agree on the valuation of any such stock to be used in payment, the note provides for the selection of arbitrators to determine such valuation. The note would be secured by the pledge of 71,000 shares of common stock of Southwestern Gas and Electric Company, such collateral to be proportionately reduced upon partial payments of the principal of the note.

All outstanding shares of Southwestern Gas and Electric Company common stock are owned by applicant, which in turn is a subsidiary of The Middle West Corporation. Both applicant and The Middle West Corporation are registered holding companies.

Applicant has designated sections 7 and 10 of the Act as applicable to the above transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-939; Filed, March 6, 1940;
11:26 a. m.]

